IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.4805 OF 2004

The Senior Regional Manager, Food Corporation of India and another).. Petitioners

Versus

L.D.Jhamanani).. Respondent

Mr.P.M.Pradhan for the Petitioners.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 3RD AUGUST 2004

P.C.:

. This Petition seeks to challenge the Award Part-II dated 18th October 2002 passed by the Central Industrial Tribunal in Reference No.CGIT-2/12 of 1999 holding that the recovery effected by the Petitioners of Rs.28,415/- from the salary of the Respondent workman was not legal or justified. The Petitioners have been directed to refund the amount if recovered from the salary of the Respondent workman.

2. The Respondent was charged with negligence and misappropriation. A domestic enquiry was held against the Respondent. By Award Part-I dated 2nd November 2001, the Tribunal held that the domestic enquiry was conducted in accordance with the principles of natural justice but that the findings were perverse. Accordingly, the

Petitioners herein were directed to lead evidence. The Industrial Tribunal on the basis of the evidence and material before it has found and concurred with the findings of the Investigating Officer and the Joint Committee appointed that the loss which accrued to the Petitioners was not on account of the negligence, misappropriation or theft by the Respondent. The Industrial Tribunal has rightly, therefore, held that the action taken by the Petitioners seeking to recover the amount was illegal. Hence, Petition rejected.